

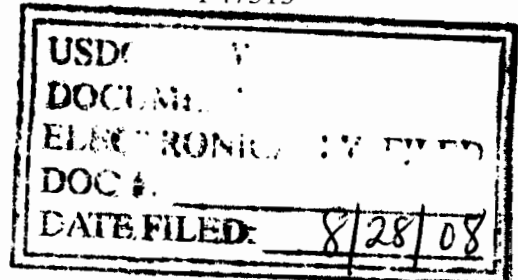


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT

P47513

TO: Honorable Barbara S. Jones
U.S. District Court Judge

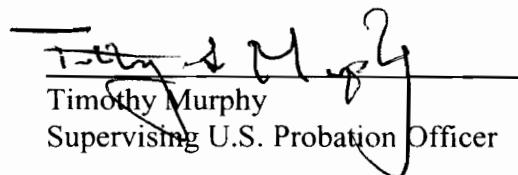
FROM: Timothy Murphy
Supervising U.S. Probation Officer

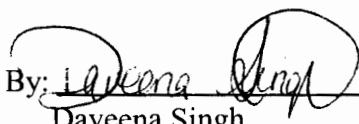


Re: Charmon Kennedy
Docket No.: 08CR127(BSJ)

Enclosed is a matter from the U.S. Probation Office requesting consideration and/or review by Your Honor. Please direct your response (if applicable) along with any attachments to our office at 233 Broadway, 14th floor, so that we may take appropriate action.

Respectfully submitted,


Timothy Murphy
Supervising U.S. Probation Officer

Prepared By: 
Daveena Singh
U.S. Probation Officer
212-805-0063

DATE: August 13, 2008

United States District Court**for the****Southern District of New York****Notification of Arrest of Offender Under Supervision**

Name of Offender: Charmon Kennedy

Docket Number: 08CR127(BSJ)

Name of Sentencing Judicial Officer: Honorable Algenon L. Marbley, U.S. District Judge SD/OH

Re-assignment Court: Honorable Barbara S. Jones, U.S. District Judge

Date of Original Sentence: June 17, 2005

Original Offense: Distribution and Possession With Intent to Distribute Heroin (21 USC 841(a)(1)(b)(1) and 2). A Class C Felony.

Original Sentence: Fifteen (15) months imprisonment; followed by three (3) years supervised release.

Type of Supervision: Supervised Release Date Supervision Commenced: 9/30/2005

This U.S. Probation Officer has learned that the offender was arrested and charged with the following:

<u>Date of Arrest</u>	<u>Arresting Agency</u>	<u>Charges/Conviction</u>	<u>Next Court Appearance Date</u>
July 3, 2008	NYC Police Department	Assault 2 nd Degree: With Intent to Cause Serious Physical Injury	Dismissed

On July 7, 2008, the U.S. Probation Department received an arrest notification from the Division of Criminal Justice Services notifying the releasee's arrest as outlined above.

On July 28, 2008, the undersigned made an attempt to obtain a copy of the arrest report from the Records Department at One Police Plaza. On that date, we were advised that the case was sealed, and no further information was available.

U.S. Probation Officer Action:

On July 7, 2008, the offender contacted the undersigned and reported his recent arrest. During the aforementioned telephone conversation the releasee was instructed to report to the Probation Department on July 10, 2008.

During an office visit on the above date, the offender admitted to sustaining a new arrest on July 3, 2008. According to the offender his arrest resulted from a previous altercation that occurred at his

Report on Offender
Under Supervision

2.

Docket Number: 08CR127(BSJ)
Name: KENNEDY, Charmon

place of employment (Pathmark Supermarket) on June 15, 2008. Kennedy stated that he had finished mopping the bathroom when an unidentified male asked to use the bathroom. He stated that he advised the gentlemen that he had to wait until the bathroom was dry. The offender claims that the gentlemen appeared intoxicated, and despite his advisement, he went ahead and used the bathroom.

He further stated that after the gentlemen returned from the restroom, he became angry and cursed at him, which resulted with him physically attacking Kennedy with a mop. Kennedy stated that in defending himself, he struck the gentlemen. The offender admitted that he immediately left work after the altercation.

On June 27, 2008, the offender related that officers of the New York City Police Department (NYPD) went to the residence to speak to him, but he was not home at the time. He later received a telephone call from his grandmother advising him of such.

On July 3, 2008, Kennedy advised that officers of the NYPD arrived at his place of employment at which time, he agreed to accompany the officers to the 25th precinct for questioning. Upon further questioning, Kennedy was arrested and charged with assault.

Kennedy asserts that on July 4, 2008, he provided a statement to the Assistant District Attorney (ADA) assigned to the case. During that conversation, he was advised by the ADA that the charges would be dismissed. Kennedy related that did not appear before a New York County Criminal Court Judge, as he was released from custody on the same date.

As indicated above, an attempt to obtain a copy of the police report revealed that the matter has been sealed, and no additional information available. A computer verification was made by this USPO and revealed that no charges were filed against Kennedy.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Kennedy was sentenced on June 17, 2005, by the Honorable Algenon L. Marbley, U.S. District Judge for the Southern District of Ohio. On February 14, 2008, the Southern District of New York accepted transfer of jurisdiction, and the matter was assigned to Your Honor.

Charmon Kennedy commenced his term of supervised release on September 30, 2005, with this office based on his residence in Bronx County, NY. Since his release, he has encountered some minor difficulty adjusting to the norms of community supervision.

Despite our attempts to assist him with his education, he was discharged from SOBRO, a General Equivalence Degree (GED) program, as a result of poor attendance. In addition, he reverted to the use of illicit narcotics on or about July 31, 2007, when he submitted a urine sample which results returned positive for marihuana. As a result, Kennedy was enrolled in this office's Random Urine Program (RUP) on October 17, 2008. Since the above date, all toxicology reports have returned with negative results.

Initially, Kennedy secured off the books employment. However, during an office visit on March 20, 2008, we learned that the offender secured new lawful employment with CBI Personnel Inc. located at 331 Madison Ave. New York, NY 10017. The offender is currently maintaining two jobs, as he is also employed part-time with Pathmark supermarket located in Manhattan.

The offender is currently residing at 785 Courtlandt Ave. Bronx, NY 10451. He resides at the above location with his grandmother, Amy Kennedy and his cousins, Aaron (8) and Shaeem Brown (10).

The offender has a maximum expiration date of September 29, 2008.

RECOMMENDATION AND JUSTIFICATION

Despite his failure to address his under-education, he has chosen to be fully employed, and is able to support himself financially. His use of marihuana seems to be under control, and he is a participant in regular testing.

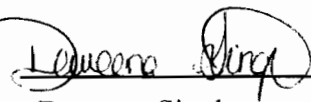
As such, as the case was dismissed in local Court, and may have been a situation of self-defense, we respectfully recommend that no action be taken at this time, given the offender's efforts to comply with the conditions of release

We will continue to monitor the offender's compliance with the conditions of release, and will notify Your Honor promptly should additional supervision issues arise. Should Your Honor wish to take immediate action, we stand ready to execute the orders of the Court.

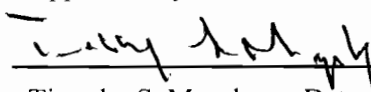
Respectfully submitted,

Chris J. Stanton

Chief U.S. Probation Officer

by 
Daveena Singh
U.S. Probation Officer
212-805-0063

Approved By:

 8/13/08
Timothy S. Murphy Date
Supervising U.S. Probation Officer

JUDICIAL RESPONSE:

☒ Court approves U.S. Probation Officer's action(s)

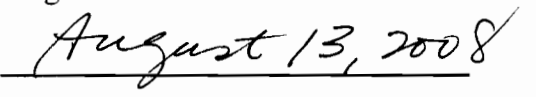
or

U.S. Probation Officer is directed to:

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Signature of Judicial Officer



Date